

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZIHIRR MITCHELL,

Defendant.

Case No. 2:25-CR-132-FLA

[PROPOSED] PRELIMINARY ORDER OF
FORFEITURE

Upon consideration of the application of Plaintiff, UNITED STATES OF AMERICA, for a preliminary order of forfeiture, and the conviction of ZIHIRR MITCHELL ("defendant") on the single-count indictment, Federal Rule of Criminal Procedure 32.2(b), and good cause appearing thereon, IT IS HEREBY ORDERED:

I. FORFEITABLE PROPERTY

For the reasons set out below, any right, title, and interest of defendant in the following described property (hereinafter, the "Forfeitable Property") is hereby forfeited to the United States. The Court finds that the government has established the requisite nexus between the Forfeitable Property and the offenses described in

1 the Indictment, which charged defendant with violating 18 U.S.C. §
2 922(g)(1) (felon in possession of ammunition). The Forfeitable
3 Property is more particularly described as:

- 4 i. A Ruger, model LCP, .380 caliber pistol, bearing
5 serial number 379057941;
- 6 ii. A Canik, model TP9SF, 9mm caliber pistol, bearing
7 serial number 19AT000966;
- 8 iii. A RADOM, model Hellpup, 5.56x45 caliber pistol,
9 bearing serial number PAC117473522;
- 10 iv. Twenty-six rounds of Cascade Cartridge Inc., 9mm
11 caliber ammunition
- 12 v. Thirty-two rounds of Lake City, 5.56 caliber
13 ammunition
- 14 vi. Six rounds of Giulio Fiocchi, Lecco, .380 caliber
15 ammunition
- 16 vii. Thirty-one rounds of Remington Peters, 5.56 caliber
17 ammunition
- 18 viii. Thirty-six rounds of Hornady, 5.56 caliber ammunition
- 19 ix. One round of Speer, .45 caliber ammunition;
- 20 x. One round of Precision Made Cartridges, .45 caliber
21 ammunition (collectively the "Forfeitable Property").

22 **II. IMPLEMENTATION**

23 IT IS FURTHER ORDERED AS FOLLOWS:

24 A. Upon the entry of this Order, and pursuant to Federal Rule
25 of Criminal Procedure 32.2(b)(3) and 21 U.S.C. § 853, the United
26 States Attorney General (or a designee) is authorized to seize the
27 Forfeitable Property.

28 B. Upon entry of this Order, the United States is further

1 authorized to conduct any discovery for the purpose of identifying,
2 locating, or disposing of the Forfeitable Property subject to
3 forfeiture pursuant to this Order, 21 U.S.C. § 853(m) and Federal
4 Rule of Criminal Procedure 32.2(b)(3). "Any discovery" shall include
5 all methods of discovery permitted under the Federal Rules of Civil
6 Procedure.

7 C. Upon entry of this Order (and at any time in the future
8 after amendment of the applicable order of forfeiture in this
9 matter), the United States Attorney General (or a designee) is
10 authorized to commence any applicable proceeding to comply with
11 statutes governing third party rights, including giving notice of
12 this and any other Order affecting specific property. The following
13 paragraphs shall apply to any ancillary proceeding conducted in this
14 matter:

15 1) Pursuant to 21 U.S.C. § 853(n)(1) and Supplemental
16 Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
17 Maritime Claims and Asset Forfeiture Actions, the government shall
18 forthwith publish for at least thirty (30) consecutive days on an
19 official government website notice of this order and any other Order
20 affecting the Forfeitable Property, and notice that any person,
21 other than the defendant, having or claiming a legal interest in the
22 property must file a petition with the Court within thirty (30) days
23 of the publication of notice or receipt of actual notice, whichever
24 is earlier. The United States shall also, to the extent practicable,
25 provide written notice to any person known to have an alleged
26 interest in the Forfeitable Property.

27 2) Any person other than defendant asserting a legal
28 interest in the Forfeitable Property may, within thirty days of the

1 publication of notice or receipt of notice, whichever is earlier,
2 petition the court for a hearing without a jury to adjudicate the
3 validity of his or her alleged interest in the property, and for an
4 amendment of the order of forfeiture, pursuant to 21 U.S.C. §
5 853(n) (2) .

6 3) Any petition filed by a third party asserting an
7 interest in the Forfeitable Property shall be signed by the
8 petitioner under penalty of perjury and shall set forth the nature
9 and extent of the petitioner's right, title, or interest in such
10 property, the time, and circumstances of the petitioner's
11 acquisition of the right, title or interest in the property, any
12 additional facts supporting the petitioner's claim, and the relief
13 sought. 21 U.S.C. § 853(n) (3) .

14 4) The United States shall have clear title to the
15 Forfeitable Property following the Court's disposition of all third-
16 party interests or, if no petitions are filed, following the
17 expiration of the period provided in 21 U.S.C. § 853(n) (2) for the
18 filing of third-party petitions.

19 D. Pursuant to Federal Rule of Criminal Procedure 32.2(b) (3),
20 this Preliminary Order of Forfeiture shall become final as to
21 defendant at sentencing and shall be made part of his sentence and
22 included in his judgment.

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1 E. The Court shall retain jurisdiction to enforce this Order,
2 and to amend it as necessary, pursuant to Federal Rule of Criminal
3 Procedure 32.2(e).

4
5
6 DATE

HONORABLE FERNANDO L. AENLLE-ROCHA
UNITED STATES DISTRICT JUDGE

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8 Presented by:

9 /s/Alexander Su
10 ALEXANDER SU
11 Assistant United States Attorney
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